

## REMARKS

Claims 1-8, 10-17, 19-27 and 34 are pending in this application, with Claims 1, 2, 10, 11, 19, 20, 21, 25 and 27 being the independent claims.

Claims 1, 2, 10, 11, 19-22, 25, and 27 have been amended. New Claim 34 has been added. Applicant submits that support for these amendments can be found in the original disclosure, and therefore no new matter has been added.

Claim 25 is objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form. That claim has been rewritten in independent form, and therefore Applicant submits that Claim 25 should be allowed. New Claim 34 is a method claim corresponding to Claim 25, and Applicant submits that Claim 34 should be allowed also.

Claims 2, 11, 20-22, 24, 26, and 27 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,738,495 (Rhoads). Claims 1, 7, 8, 10, 16, 17, and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rhoads. Claims 3-6 and 12-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Rhoads and U.S. 2003/0011684 A1 (Narayanaswami et al.). Claim 23 is rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Rhoads and U.S. Patent No. 6,037,984 (Isnardi et al.). Applicant respectfully traverses these rejections for the reasons discussed below.

As recited in independent Claim 1, the present invention includes, *inter alia*, the features of a table memory which stores a relationship between a plurality of image sensing modes for setting quality of an image to be sensed by image sensing means and a plurality of embedding modes to be used in embedding means, each of the plurality of embedding

modes having different robustness from each other, and means for referring to the table memory in accordance with a manually selected image sensing mode and automatically selecting a robustness specified by one of the plurality of embedding modes, which corresponds to the manually selected image sensing mode. Applicant submits that the cited art fails to disclose or suggest at least these features.

Rhoads discloses setting an initial intensity parameter in accordance with a user's selected mode (low, medium, or high), embedding a watermark in an image, and compressing the image in which the watermark is embedded. Rhoads discloses next performing trial decoding to determine whether the watermark can be read from the image and, if not, re-embedding the watermark by changing the intensity parameter. Thus, Rhoads merely discloses changing an embedding mode, but does not disclose or suggest using a particular mode having a particular robustness corresponding to an image quality of a selected image sensing mode.

Applicant submits that Rhoads does not disclose or suggest at least the features of a table memory as recited in Claim 1, manually selecting an image sensing mode, and referring to the table memory in accordance with the manually selected image sensing mode and automatically selecting a robustness specified by one of a plurality of embedding modes, which corresponds to the manually selected image sensing mode. The other cited art fails to remedy these deficiencies.

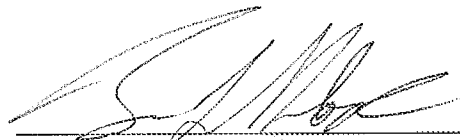
For the foregoing reasons, Applicant submits that the present invention recited in independent Claim 1 is patentable over the cited art. Applicant submits that the other independent claims recite similar features and are believed patentable for similar reasons.

The dependent claims are patentable for at least the same reasons as the independent claims, as well as for the additional features they recite.

In view of the above amendments and remarks, the claims are believed to be in allowable form. Therefore, withdrawal of the rejections and early passage to issue are respectfully solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. L. Klock', is written over a horizontal line.

Attorney for Applicant

Brian L. Klock

Registration No. 36,570

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200  
BLK/mls

DC\_MAIN 252506v1